

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

Criminal No. 15-168

FREDERICK H. BANKS

GOVERNMENT'S RESPONSE TO DEFENDANT'S MOTION
REQUESTING RELEASE OF DEFENDANT PENDING TRIAL

AND NOW comes the United States of America, by its attorneys, Scott W. Brady, United States Attorney for the Western District of Pennsylvania, and Shaun E. Sweeney and Heidi M. Grogan, Assistant United States Attorneys for said District, responds as follows:

The government does not dispute any of the allegations regarding the facts or the procedural history of this case, as set forth in the defendant's Motion Requesting Release of Defendant Pending Trial. The procedural posture of this case, particularly the appeal pending before the Third Circuit, prevents the scheduling of a trial in this matter. In light of the fact that the defendant has been in pretrial detention for more than three years, the government has no objection to the Court re-examining the bond/detention issue.

The government's position is that, if (1) the defendant's circumstances have changed so that he has a place to stay which is acceptable to Pretrial Services, and (2) Pretrial Services believes that the defendant can comply with strict conditions of release and supervision (especially regarding contact with victims and witnesses in this case) so that the defendant does not pose a danger to the community, then the government would not oppose release on bond, with strict bond conditions, pending trial.

The issue of bond/detention, however, may become moot, at least temporarily, if the Court determines that another competency examination is warranted. See Court Order at Docket No.

732. The government will separately file a statement of position regarding the defendant's Competency on or before September 27, 2018, as directed by that Order.

Respectfully submitted,

SCOTT W. BRADY
United States Attorney

/s/ Shaun E. Sweeney

SHAUN E. SWEENEY
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